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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/831,503

09/21/2001

Anuj Aggarwal

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05/17/2004

NATH & ASSOCIATES

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WASHINGTON, DC 20005

EXAMINER

BOYD, JENNIFER A

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/831,503	Applicant(s) AGGARWAL ET AL.	
	Examiner Jennifer A Boyd	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed March 2, 2004, have been entered and have been carefully considered. Claim 2 is cancelled, claims 1, 12 and 19 are amended and claims 1 and 3 – 21 are pending. The invention as currently claimed is not found to be patentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1, 3 - 4, 8 - 9 and 12 - 18 remain rejected under 35 U.S.C. 102(b) as being anticipated by Romesberg et al. (US 5,582,906). The details of the rejection can be found in paragraph 3 of the previous Office Action dated January 5, 2004. The rejection is maintained.

Claim Rejections - 35 USC § 102/103

4. Claims 2 and 19 remain rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Romesberg et al. (US 5,582,906). The details of the rejection can be found in paragraph 4 of the previous Office Action dated January 5, 2004. The rejection is maintained.

Claim Rejections - 35 USC § 103

Art Unit: 1771

5. Claims 1, 5 – 8, 10 and 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Rozek et al. (US 6,204,209) in view of Doerfling et al. (US 3,935,353) and Sandoe et al. (US 2001/0036788 A1). The details of the rejection can be found in paragraph 5 of the previous Office Action dated January 5, 2004. The rejection is maintained.

6. Claim 11 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Romesberg et al. (US 5,582,906) as set forth above taken in view of Blum et al. (US 4,581,432). The details of the rejection can be found in paragraph 6 of the previous Office Action dated January 5, 2004. The rejection is maintained.

7. Claim 21 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Romesberg et al. (US 5,582,906). The details of the rejection can be found in paragraph 7 of the previous Office Action dated January 5, 2004. The rejection is maintained.

Response to Arguments

8. Applicant's arguments filed March 2, 2004 have been fully considered but they are not persuasive.

In response to Applicant's Argument that the Examiner improperly assumes that the air flow resistance is inherent, the Examiner respectfully argues the contrary. It should be noted that the Applicant's physical limitations of the invention *as claimed* in independent claims 1 and 12 are met by Romesberg (US 5,582,906). Romesberg clearly anticipates the material features of the claims lacking only the recitation of the property of air flow resistance. Given that

Art Unit: 1771

Romesberg has the same utility as a headliner material and has the same claimed material features, one can only conclude that Romesberg inherently possesses these properties absent some evidence. Additionally, the Examiner submits if the air flow resistance is not inherent, it is asserted that Applicant's claim must be incomplete. In other words, if Applicant's asserts a lack of inherency in Romesberg, then Applicant's claimed invention is missing an element that is critical to the invention, which would patentably distinguish it from the known prior art. The Applicant has indicated that air flow resistance is dependent on thickness of the composite material, pore distribution density and pore diameter among other factors which are not listed. However, the Applicant does not claim any of these parameters. If these parameters are the crucial *physical* features that would result in the claimed invention with the specified air flow resistance, the parameters should be incorporated in the claim language.

Conclusion

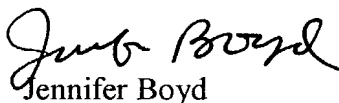
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer Boyd

May 6, 2004


Ula C. Ruddock
Primary Examiner
Tech Center 1700